

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DWAYNE EDMOND WILSON,  
Plaintiff,

v.

JOSEPH, *et al.*,  
Defendants.

\_\_\_\_\_/

Case No. 23-10863

Sean F. Cox  
Chief United States District Judge

Curtis Ivy, Jr.  
United States Magistrate Judge

**ORDER STRIKING PLAINTIFF’S SUR-REPLY**

On June 3, 2024, the Defendants moved to strike Plaintiff’s sur-reply. (ECF No. 53). Defendants previously filed motions for summary judgement on the basis of exhaustion. (ECF Nos. 25, 31). Plaintiff subsequently filed his response (ECF No. 47), and Defendants filed their reply (ECF No. 48). Plaintiff filed a sur-reply without first seeking leave to do so. (ECF No. 49).

Under the Local Rules of this District, a party may not file a sur-reply unless they have obtained leave of Court. E.D. Mich. LR 7.1(c)(3) (“A party must obtain leave of court to file more than one response to a motion for summary judgement.”). Plaintiff has already filed a response to Defendant’s Motion for Summary Judgement.

Accordingly, the Court **GRANTS** Defendant’s Motion to Strike Sur-Reply and Plaintiff’s sur-reply is **STRICKEN** from the record. Plaintiff should seek

leave to file a sur-reply if that is still his intent. A motion for leave to do so should be filed **on or before June 21, 2024**.

**IT IS SO ORDERED.**

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: June 6, 2024

s/Curtis Ivy, Jr.  
Curtis Ivy, Jr.  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on June 6, 2024.

s/Sara Krause  
Case Manager  
(810) 341-7850